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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,483	03/11/2004	Tetsuji Suzuki	26046	3294
20529	7590	07/22/2005		EXAMINER
NATH & ASSOCIATES				SEVER, ANDREW T
1030 15th STREET, NW				
6TH FLOOR			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005				2851

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/797,483	SUZUKI ET AL.	
	Examiner	Art Unit	
	Andrew T. Sever	2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 11 July 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 1-4, 9 and 10 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 5-8 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 11 March 2004 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/2004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species II (Claims 5-8) in the reply filed on 7/11/2005 is acknowledged.
2. Claims 1-4, 9, and 10 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 7/11/2005.

Drawings

3. Figures 1, 2A, and 2B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirata et al. (US 6,783,242.)

Hirata teaches in figures 1 and 10 an image displaying apparatus comprising:

A light source (36) for emitting a beam containing at least three primary colors (inherent in that there are 3 light valves R, G, and B, there must be three primary colors (Red, Green, and Blue));

First to third reflective spatial light modulators (2B, 2G, and 2R) corresponding to the three primary colors, respectively;

A color separating optical (9) system for separating the beam emitted from the light source into three primary color beams and guiding the three primary color beams toward the first to third reflective spatial light modulators through first to third steering mirrors (7), respectively;

First to third reflective polarizing plates (1B, 1G, 1R; they are specified as polarizing beam splitters in column 10 lines 21-31) for polarizing and separating the corresponding primary color beam guided by the color separating optical system into a linearly polarized beam of a first polarized state, transmitting and injecting the linearly polarized beam of the first polarized state into the corresponding reflective spatial light modulator, polarizing and separating a modulated-and-reflected beam from the corresponding reflective spatial light modulator into a linearly polarized beam of a second polarized state, and reflecting the linearly polarized beam of the second polarized state;

A color combining optical system (10) for combining the three primary color beams modulated by the reflective spatial light modulators and reflected by the reflective polarizing plates into a composite beam; and

An image forming optical unit (20) for receiving the composite beam and forming an image according to the received composite beam.

With regards to applicant's claim 6:

See figure 2 first mirror is the mirror next to the lines 9w and 9b and the second is the other mirror.

With regards to applicant's claim 7:

See figure 14, which shows the relative placement of the various parts. Inherently the parts are mounted on a substrate (they cannot just float in mid air.)

With regards to applicant's claim 8:

See above.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,227,670 to Numazaki et al. see figure 1 which can read on applicant's claim 5-7.

US 6,549,248 to Miyazawa et al. teaches various configurations in figure 1-8.

US 5,605,390 to Brice et al. teaches in figure 6 a configuration of a projector which can read on applicant's claims 5-7.

US 6,062,694 Oikawa et al. teaches in figure 1 Teaches a projector that potentially reads on applicant's claims 5-7.

Art Unit: 2851

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew T. Sever whose telephone number is 571-272-2128. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS



William Perkey
Primary Examiner